

Claimant suffered accidental injury to her right knee when she struck it on a desk. That injury is not in dispute, as was made very clear by respondent's attorney at the preliminary hearing. Claimant argues the Administrative Law Judge erred in denying medical treatment to the right knee. However, the Order of the Administrative Law Judge also makes it clear that his denial of benefits is due to claimant's failure to sustain her burden of proof "that she injured her left knee while in the course and scope of

employment.” The issue regarding the compensability of claimant’s right knee was not before the Administrative Law Judge at the preliminary hearing. Therefore, claimant’s concerns in this regard are unnecessary.

With regard to the left knee, the Board finds claimant has failed to prove that she suffered an accidental injury arising out of and in the course of her employment to that knee. While claimant does testify to striking her knee on her desk on several occasions, the medical evidence contemporaneous with claimant’s alleged date of accident does not support her testimony. Claimant first went to Boeing Central Medical and was examined by the Boeing nurse, Dana Thome, R.N. At that time, claimant reported a history of injury to her right knee. However, in discussing claimant’s left knee, claimant was unable to describe a work-related injury. Additionally, claimant advised Ms. Thome that the left knee acted up due to weather changes. Claimant then went to her personal physician, family medicine specialist Ted C. Snodgrass, M.D., on October 30, 2002. Claimant advised Dr. Snodgrass she had had complaints with her left knee for approximately six months, with it being worse in the mornings when she got out of bed. Claimant was again unable to identify any work-related injuries to her left knee. In fact, claimant advised Dr. Snodgrass she had not “had any injuries or traumas or falls recently.”¹

Additionally, claimant advised Dr. Snodgrass that she had clicking and popping when she walked. Claimant told Dr. Snodgrass she was involved in a walking program over the last six to eight weeks over her lunch period. She was advised by Dr. Snodgrass to limit weight bearing type exercises, including long walks and running on the treadmill. There is no indication in either the Boeing medical notes or in Dr. Snodgrass’s notes of any work-related connection to claimant’s left knee symptoms.

In workers’ compensation litigation, it is claimant’s burden to prove her entitlement to benefits by a preponderance of the credible evidence.² The Board finds claimant’s contentions that she struck her left knee on her desk do not outweigh the medical records contemporaneous with her alleged injury. As these records fail to show any connection between claimant’s left knee symptoms and her work, the Board finds the determination by the Administrative Law Judge to deny claimant benefits for her left knee should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Jon L. Frobish dated January 3, 2003, should be, and is hereby, affirmed.

¹ P.H. Trans., Cl. Ex. 1.

² K.S.A. 44-501 and K.S.A. 2001 Supp. 44-508(g).

IT IS SO ORDERED.

Dated this ____ day of February 2003.

BOARD MEMBER

c: Michael L. Snider, Attorney for Claimant
Eric K. Kuhn, Attorney for Respondent
Jon L. Frobish, Administrative Law Judge
Director, Division of Workers Compensation